THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITON No. 5166 of 2006

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Dated: 17.03.2006

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Between:

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Sri Padmavathi Women's college Hostel,

Tirupati –517 501, Chittoor District,

Represented by its Manager, Sri M.Obulapathi

S/o late M.Chenchaiah, R/o Tirupati.

… **PETITIONER**

And :

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Employees Provident Fund Organization,

Represented by its Assistant Provident Fund Commissioner/

Officer-in-charge, 1/30, RS Railway Station Road,

Kadapa – 516 004, and others.

RESPONDENTS

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

–

WRIT PETITON No. 5166 of 2006

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Employees Provident Fund Organisation.

This writ petition is filed questioning the order, dated 31.03.2004, passed by the Assistant Provident Fund Commissioner/Officer-in-charge, first respondent herein, and the consequential order, dated 08.03.2006, vide proceedings NO.AP/4070/Eo/TPT(W)/Recy./2006, passed by the third respondent.

Petitioner is a Women's College Hostel, being run by the Tirumala Tirupati Devasthanam. The Assistant Provident Fund Commissioner passed an order, dated 31.03.2004, under Section 7-A of the Employees Provident Funds & Miscellaneous Provisions Act, 1952 (for short "the Act") determining Rs.2,37,019/-, being the arrears of provident fund and other contributions alleged to be payable by the petitioner. Immediately thereafter, the petitioner has filed a detailed representation on 31.05.2004, disputing the liability and correctness of the order dated 31.03.2004. While the said representation is pending, the Enforcement Officer, Employees Provident Fund Organisation, Tirupati, third respondent herein, passed the order, dated 08.03.2006, directing the petitioner to remit the said amount. It is the grievance of the petitioner that the said order was passed without considering its representation, in which the petitioner has clearly stated the reasons for not remitting the said amount. It is its further grievance that though the said representation is pending, pursuant to the order, dated 31.03.2004, the Enforcement Officer is taking coercive steps against the petitioner.

A reading of the order, dated 31.03.2004, discloses that there was no representation from the petitioner in the enquiry alleged to have been conducted. However, it is not in dispute that the representation filed by the petitioner on 31.05.2004 is still pending consideration. It is for the respondents to consider the same and pass appropriate orders.

Having regard to the fact that the representation of the petitioner dated 31.05.2004, is pending consideration, I deem it appropriate to dispose of the writ petition directing the first respondent to pass appropriate orders on the

representation of the petitioner, dated 31.05.2004, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. Till such orders are passed and communicated to the petitioner, the proceedings dated 08.03.2004, vide proceedings No.AP/4070/EO/TP T(W)/Recy./2006, issued by the third respondent shall remain suspended.

Subject to the above directions, the writ petition is disposed of. There shall be no order as to costs.

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17.03.2006

Note: Furnish C.C. tomorrow.

(B/o)

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